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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,
Debtors.

Case No. 08-35653-KRH
Chapter 11

Alfred H. Siegel, Trustee,

Objector,

v.

Contested Matter

Chase Bank USA, National Association
(Claim No. 14787),

Claimant.

**ORDER DENYING CHASE BANK USA, NATIONAL ASSOCIATION'S
MOTION FOR PROTECTIVE ORDER AND TO DIRECT THE
APPLICATION OF F.R.C.P. 12(C) TO THIS CONTESTED MATTER**

The hearing on the Motion for Protective Order and to Direct the Application of F.R.C.P. 12(C) to This Contested Matter (the "Motion"), filed by Chase Bank USA, National Association ("Chase") came on for hearing before this Court on December 4, 2013, pursuant to an agreed order

expediting a hearing on the Motion. Appearances were as noted on the record. Upon reviewing the Motion, the opposition thereto filed by Alfred H. Siegel, as trustee for the Circuit City Stores, Inc. Liquidating Trust (the “Trustee”) [Dkt. No. 13188] and the Trustee’s opposition to Chase’s motion seeking an expedited hearing on the Motion [Dkt. No. 13182], and for the reasons set forth on the record, and good cause appearing therefor:

IT IS HEREBY ORDERED:

1. To the extent it seeks the application of Federal Rules of Civil Procedure, Rule 12(C) to the above-captioned contested matter (the “Contested Matter”), the Motion is denied.
2. To the extent it seeks a stay of discovery in connection with the Contested Matter, the Motion is denied, without prejudice.
3. Upon entry of this order, copies shall be served electronically on counsel for Chase and the Trustee.

Dated: Richmond, Virginia
December ____, 2013

Dec 12 2013

/s/ Kevin R. Huennekens
HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: 12/12/13

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner

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Liquidating Trust

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Lynn L. Tavenner

Lynn L. Tavenner